IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2858 OF 2005

Shivaji Nilkanth Satras & ors. ... Applicants

versus

The State of Maharashtra ... Respondent

...

Mr.Kuldeep Patil, for the Applicants.

Mr.V.B. Konde Deshmukh, A.P.P.,for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

3rd May 2005

P.C.:

. Heard Counsel for the parties. Perused the record. The incident in question took place on 31st January 2005. After the complainant gained consciousness, her statement came to be recorded on 5th February 2005. In the said statement, she has clearly stated that due her mistake, she consumed some pesticide. It is seen

that thereafter legal notice was given by the Applicant No.1 for divorce on the grounds stated in the said notice, which, inter alia, refers to the fact that the complainant had affair with one Nitin Daundkar before the marriage, which was continued even thereafter. The present F.I.R. has been lodged on 12th April 2005. Prima facie, there is substance in the argument of the Applicants that the F.I.R. as has been lodged is counter blast to the legal notice given by the Applicant No.1 to the complainant. In the F.I.R., the complainant has made several allegations against the Applicants, including that the Applicant No.1 has affair with some other girl. Suffice it to observe that the present F.I.R. is filed out of vengence only after service of legal notice on the complainant in March 2005. Viewed in this perspective, the Applicants are entitled for anticipatory bail, but on the following conditions.

(A) The Applicants are granted anticipatory bail in connection with CR.No.77/2005 registered with Shirur Police Station on executing personal bond

in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with two local sureties in the like amount.

(B) The Applicants shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicants shall report to the investigating officer initially for a period of one week daily from tomorrow between 10 a.m. to 1 p.m. and thereafter as and when required by the investigating officer for the purpose of investigation of the case till the filing of the charge sheet.

(D) This order will enure in favour of the Applicants till the filing of the charge sheet.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)